

HOUSE BILL NO. 578

INTRODUCED BY CAFERRO

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE MONTANA HEALTH CORPS ACT; PROVIDING FOR ENROLLMENT OF RETIRED PHYSICIANS IN THE HEALTH CORPS; PROVIDING FOR HOME HEALTH CARE VISITS TO PATIENTS ELIGIBLE FOR MEDICARE OR MEDICAID; LIMITING CHARGES MADE BY HEALTH CORPS MEMBERS; LIMITING THE LIABILITY OF HEALTH CORPS MEMBERS; GRANTING RULEMAKING AUTHORITY; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Short title.** [Sections 1 through 7] may be cited as the "Montana Health Corps Act".

NEW SECTION. **Section 2. Purpose -- establishment of program.** (1) The purpose of [sections 1 through 7] is to:

(a) provide primary outpatient care to individuals eligible for medicare or medicaid by retired physicians at affordable prices;

(b) keep the elderly or infirm in their homes longer; and

(c) provide home health care visits for patients who have difficulty in traveling.

(2) The ~~department~~ BOARD shall adopt rules to establish the program. The rules must provide procedures for enrolling retired physicians in the health corps and procedures under which physicians or health care facilities may refer medicare or medicaid patients to members of the health corps.

NEW SECTION. **Section 3. Definitions.** As used in [sections 1 through 7], unless the context requires otherwise, the following definitions apply:

(1) "Health care" has the meaning provided in 50-16-504.

(2) "Health care facility" has the meaning provided in 50-5-101.

~~(3) "Physician" has the meaning provided in 37-3-102.~~

1 NEW SECTION. Section 4. Eligibility for participation. A retired physician who is properly licensed
2 and in good standing in Montana may participate in the health corps provided for in [sections 1 through 7]. The
3 ~~department~~ BOARD shall accept applications for participation in the health corps and provide written guidelines
4 to participants in the health corps concerning the provisions of [sections 1 through 7] and rules adopted to
5 implement [sections 1 through 7].

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7 NEW SECTION. Section 5. Referral of patients to program -- visits -- charges. (1) The ~~department~~
8 BOARD shall adopt rules under which physicians or health care facilities may refer medicare or medicaid patients
9 to the health corps program.

10 (2) A health corps member shall make home visitations to eligible patients for the purpose of providing
11 health care to eligible patients.

12 (3) A health corps member may charge \$10 for a patient contact or visit and may submit a charge to
13 medicare or medicaid.

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15 NEW SECTION. Section 6. Limitation on liability. A physician who renders health care within the
16 scope of the physician's license to a patient under [sections 1 through 7] is not liable to a patient or other person
17 for civil damages resulting from the rendering of the care unless the damages were the result of gross negligence
18 or willful or wanton acts or omissions by the physician. Each patient must be given notice that under state law
19 the physician may not be held legally liable for ordinary negligence for services provided under the health corps
20 program.

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22 NEW SECTION. Section 7. Termination of participation in health corps. The board of medical
23 ~~examiners shall provide the department with notice of any MAY TAKE disciplinary action taken~~ against a physician
24 participating in the health corps program, ~~and the department AS PROVIDED IN TITLE 37 AND~~ may terminate a
25 physician's participation in the health corps program based upon the disciplinary action.

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27 NEW SECTION. SECTION 8. NO APPROPRIATION. IT IS THE INTENT OF THE LEGISLATURE THAT THE
28 REQUIREMENTS OF [THIS ACT] BE CONDUCTED WITHIN EXISTING LEVELS OF FUNDING.

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30 NEW SECTION. Section 9. Codification instruction. [Sections 1 through 7] are intended to be codified

1 as an integral part of ~~Title 53, chapter 5, TITLE 37, CHAPTER 3,~~ and the provisions of ~~Title 53, chapter 5, TITLE 37,~~
2 CHAPTER 3, apply to [sections 1 through 7].

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4 NEW SECTION. Section 10. Effective date. [This act] is effective July 1, 2009.

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